IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 33973 of 2007(T)

PETITIONER:

P.U.DIVAKARAN, AGED 54 YEARS,
DEPUTY REGISTRAR, CONCURRENT AUDITOR,
RAIDCO, KANNUR,
RESIDING AT "ARUL VIMAL" HOUSE,
PATYAM, PATHAYAKKUNNU (PO),
KANNUR - 670 691.

BY ADVS. SRI.M.SASINDRAN
SRI.T.R.JAGADEESH

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVT., DEPARTMENT OF CO-OPERATION, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.33973 of 2007 T

Dated this the 16th day of November, 2007.

JUDGMENT

The petitioner, who is a Deputy Registrar in the Co-operative Department, is due to retire on 30.11.2007. He contends that there are 7 vacancies of Joint Registrar and that he is the next incumbent entitled to be promoted to the post of Joint Registrar, based on the seniority in the Department, though the said post is a selection post. The Departmental Promotion Committee has not been convened and the select list has not been published. In the circumstances, the vacancies could be filled up only by promotion. Petitioner refers to Exts.P5 and P6 circulars, which enable the Department to give provisional promotion, even in the absence of a select list, where the incumbents are due to retire within a period of six months. Petitioner's grievance is contained in Exts.P2 and P4 representations.

2. Taking note of the fact that the petitioner is due to retire on 30.11.2007, the writ petition is disposed of directing the first respondent to take a decision on Exts.P2

and P4 as early as possible, at any rate, on or before **25.11.2007**.

The petitioner shall immediately produce the copy of this judgment before the first respondent.

Sd/-
(V.GIRI)
JUDGE

sk/

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P.S. To Judge